



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.226 of 2019

VARKEESH @ VEERA VARKEESH

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
THUCKALAY, KANYAKUMARI DISTRICT.
IN CRIME NO.541 OF 2018

... RESPONDENT / COMPLAINANT

T.VELUDOSS

... PETITIONER/ INTERVENER/
DEFACTO COMPLAINANT

For Petitioner : Mr.S.PALANI VELAYUTHAM, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

For Intervener : Mr.M.SUBASH BABU, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 295(A) and 509 I.P.C and Section 4 of Indecent Representation of Women (Prohibition) Act, 1986 and Section 67 of Information and Technology Act, in Crime No.541 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner belongs to the Christian religion and he has posted certain posts in Face Book with bad intention. This action has attacked the sentiments of other religion people, thereby causing commotion and hatred between the groups and the petitioner, who is not at all belong to that concerned religion. Hence, a case has been registered against him.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.Heard the learned Government Advocate (Criminal Side) for the respondent.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Padmanabapuram, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] the petitioner shall appear before the respondent police daily at 10.30.a.m, for a period of two weeks thereafter, as and when required for interrogation.

[b] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/01/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, PADMANABAPURAM,
KANYAKUMARI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE INSPECTOR OF POLICE, THUCKALAY POLICE STATION,
THUCKALAY, KANYAKUMARI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.PALANI VELAYUTHAM Advocate SR.No.1232
+1CC TO Mr.M.SUBASH BABU, Advocate, Sr No.1184

ORDER IN

CRL OP(MD) No.226 of 2019

Date :22/01/2019